

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOSE NEGRETE,

Petitioner,

v.

BRUCE DAVIS, et al.,

Respondents.

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Civ. No. 23-3457 (RK)

MEMORANDUM AND ORDER

Petitioner, Jose Negrete (“Petitioner” or “Negrete”), is a state prisoner currently incarcerated at the New Jersey State Prison in Trenton, New Jersey. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. *See* ECF No. 1.

Respondents have filed a motion to dismiss Petitioner’s habeas petition for failing to exhaust state court remedies on all his federal habeas claims. *See* ECF No. 5. Respondents note that Petitioner currently has a post-conviction relief (“PCR”) petition pending before the New Jersey Superior Court, Law Division that includes several ineffective assistance of counsel claims raised in this federal habeas petition. *See* ECF No. 5-1 at 8.

On August 29, 2023, Petitioner filed a motion to stay these federal habeas proceedings considering his pending PCR petition in state court. *See* ECF No. 6. Given Petitioner’s motion for a stay, Respondents shall be ordered to file a response to the stay motion.


Accordingly, IT IS on this 11th day of December, 2023,

ORDERED that Respondents shall inform the Court within five (5) business days via a letter filed and served on the record whether they oppose Petitioner’s motion to stay; should Respondents oppose Petitioner’s motion to stay, they shall file and serve a full and complete

response in opposition to the motion to stay within fourteen (14) days of the date of this memorandum and order; and it is further

ORDERED that if Respondents file and serve a full and complete response in opposition to Petitioner's motion to stay; Petitioner shall have fourteen (14) days from the date Respondents file and serve their response in opposition to Petitioner's motion for a stay and abeyance in which to file a reply brief in support of his motion to stay; and it is further

ORDERED that the Clerk shall serve this memorandum and order on Petitioner by regular U.S. mail.



ROBERT KIRSCH
United States District Judge